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IN THE HIGH COURT OF JUDICATURE AT MUMBAI

APPELLATE CIVIL JURISDICTION

**CIVIL APPLICATION NO.2497 OF 2007
IN**

WRIT PETITION NO.4411 OF 2005

1.State of Maharashtra & Ors.

..Applicants

Vs.

Tejbahadur Shankarlal Shrivastav & Anr.

..Respondents.

Mr.V.A. Sonpal, A-Panel Counsel for the applicant

Mr. S.M. Gorwadkar for Respondent No.1.

Mr. A.V. Anturkar i/b. Shri Sugandh B. Deshmukh for the Respondent No.2

CORAM : F.I. REBELLO &

DR. D.Y.CHANDRACHUD, JJ.

DATED : 31ST MARCH, 2010

P.C.

Matter was not on board. With the consent of parties matter taken up on board and heard forthwith. This was an application by the State of Maharashtra seeking extension of time for issuing notification under Section 126 under Section 126(4) of the M.R.T.P. Act, 1966 read with Section 6 of the Land Acquisition Act and to further extend the period of 12 months for preparing and declaring the final award from the date the acquiring body deposits 2/3rd amount of compensation with Collector, Satara.

2. It is the case of the State that they could not commence the proceedings on account of the failure by the Local Authority to deposit the amount as requested by the State Government.

3. We had another matter before us being Civil Application No.3215 of 2005 which has been disposed off by a speaking order. Considering that the dispute is between the Applicant State and the Respondent Local Authority relief cannot be denied to the original petitioner which he is entitled to in terms of the order of this Court dated 2nd September, 2005. Even otherwise the question of granting relief as sought for by the Applicant State could not have been granted as the order of the Court was not depending on whether the Local Body deposits the amount or not. Considering the above Civil Application disposed off.

(DR. D.Y.CHANDRACHUD,J.)

(F.I. REBELLO,J.)